

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

**IN RE: ETHICON, INC. PELVIC REPAIR)
SYSTEM PRODUCTS LIABILITY LITIGATION)
)
)
THIS DOCUMENT RELATES TO:)
)
_____)**

QUALIFIED PROTECTIVE ORDER

The individuals listed on attached Exhibit A have asserted claims in the above captioned action. These individuals have retained the following attorney(s), Goza & Honnold, L.L.C. and Bartimus, Frickleton, Robertson, Rader, P.C. ("Counsel") to represent them in the above-captioned action. Counsel agrees that they represent the individuals listed next to their names in Exhibit A.

IT IS HEREBY ORDERED AS FOLLOWS:

1. By virtue of their status as appointed representatives of individuals listed on Exhibit A, Counsel shall resolve any potential Part A and/or Part B fee for service Medicare Secondary Payer (MSP) claim(s) related to settlements, judgments, awards, or other payments associated with the above captioned action for those individuals on Exhibit A that are or were Medicare beneficiaries.
2. By virtue of their status as appointed representatives of individuals listed on Exhibit A, Counsel shall also resolve any potential state Medicaid, Tricare, Veteran's Administration, and/or Indian Health Services (hereinafter "the Agencies") claim(s) related to settlements, judgments, awards, or other payments associated with the above

captioned action for those individuals on Exhibit A that are or were beneficiaries of the Agencies. The entry of this HIPAA-compliant qualified protective order is necessary in this action in order to permit the Agencies to transmit protected health information regarding the plaintiffs to Counsel, including any third party authorized by Counsel to assist in the resolution of the Agencies' potential liens and reimbursement claims. As such, it is hereby ordered:

- a. This Qualified Protective Order shall apply to all "protected health information" and "individually identifiable health information," as defined by 45 CFR § 160.103, or information that is otherwise protected from disclosure by the Privacy Act, 5 U.S.C. § 551a, the Health Insurance Portability and Accountability Act of 1996, Pub. L. 104-191, 42 CFR § 431 Subpart F, titled "Safeguarding Information on Applicants and Recipients" and other applicable state law, created, received or collected from Plaintiffs by the Agencies, including, but not limited to: (a) names and addresses, dates of birth, social security numbers, identification numbers and other demographic information that identifies, or could be used to identify plaintiffs; (b) eligibility and entitlement information; (c) claims information relating to the past, present, or future health care of plaintiffs; (d) claims information relating to the provision of healthcare to plaintiffs; and, (e) claims information relating to the past, present, or future payment for the provision of healthcare to plaintiffs.
- b. Each Agency is hereby authorized and directed to transmit to Counsel, including any third-party specifically authorized by Counsel to assist in the resolution of potential liens or reimbursement claims, any information, including claims

information and other protected health information, for those plaintiffs listed on Exhibit A against whom they may assert liens or reimbursement claims.

- c. Counsel, including any authorized third party acting on their behalf, shall not use or disclose any protected health information or individually identifiable health information subject to this Qualified Protective Order for any purpose other than this litigation. Similarly, the Agencies shall only use the information listed on Exhibit A for the specific purposes of transmitting to Counsel any information, including claims information and other protected health information, for those plaintiffs in the above-captioned matter against whom the Agencies have asserted liens or reimbursement claims, or in whose potential settlements the Agencies may have an interest. The Agencies shall only make the information listed on Exhibit A available to those within their respective Agency who need access to the information listed on Exhibit A for the specific purpose stated in this paragraph. If the Agency utilizes outside vendors or companies to perform part or all of their tort recovery practices, the outside vendors or companies shall be expressly bound by all terms and conditions of this Qualified Protective Order.
- d. Counsel, including any authorized third party acting on their behalf, shall maintain any protected health information or individually identifiable health information subject to this Qualified Protective Order in a secure and safe area and shall exercise the same standard of due and proper care with respect to the storage, custody, use and/or dissemination of such protected health information as is exercised by Counsel with respect to its own confidential proprietary information.

- e. At the conclusion of this litigation, Counsel shall certify to the Agencies that the protected health information or individually identifiable health information, including all copies made, has been destroyed.

IT IS SO ORDERED.

SIGNED AND ENTERED this ____ day of _____, 2018.

JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

EXHIBIT A

Last Name	First Name	DOB	SSN (Last 4)
Allmon	Mary	8/11/1953	4022
Anderson	Sharon	7/9/1941	6914
Barber	Bronna	9/9/1949	2476
Bautista	Althea	6/26/1973	
Bolton	Christine	10/12/1967	9352
Bradberry	Shirley	6/21/1966	
Bragg	Marie	5/6/1927	9074
Brannen	Susan	5/5/1963	
Brashears	Sara	1/20/1961	5319
Brooks Gullota	Melissa	10/22/1967	0579
Buck	Sheri	2/11/1960	4908
Bunker	Melanie	11/11/1974	
Callahan	Carla	4/30/1961	
Carnes	Shannon	10/19/1972	5447
Casto	Marilyn	8/4/1946	4765
Clay	Karen	8/15/1964	4561
Cochran	Noreen	3/20/1961	
Conklin	Grace	11/27/1932	1157
Cook	Esther	9/2/1937	1811
Cramer	Joyce	3/1/1947	7407
Crump	Hellen	7/17/1950	8289
Davila	Juanita	1/11/1980	8184
Davis	Glenda	1/16/1965	8649
Dean	Barbara	5/7/1949	
Della Santa	Wendy	6/30/1968	8055
Dennis	Loretta	5/11/1950	7263
Diaz	Patricia	9/11/1957	3401
Dickey	Linda	8/27/1968	4248
Dubose	Katherine	10/29/1964	
Eastin	Sandra	4/5/1962	6711
Edson	Cecilia	2/21/1950	7292
Edwards	Donna	7/26/1944	2791
Eldred	Connie	5/7/1953	7789
Faircloth	Mercedes	2/11/1955	8438
Falls	Delores	2/1/1943	9485
Faulkner	Violet	7/4/1953	
Fordham	Sheila	10/16/1965	4650
Fritzmann	Mary	11/14/1959	0258
Gagliano	Carolyn	11/1/1942	2044
Gallardo	Dolores	1/23/1963	4066
Garner	Kathy	4/21/1957	7386
Gautier	Kimberly	11/8/1961	
Gonzalez	Tracy	6/12/1973	2031
Greathouse	Janet	3/5/1962	9829
Gregory	Tina	3/15/1963	9606
Hake	Catherine	6/25/1967	4175
Hanshaw	Angela	11/5/1974	0934
Henely	Veronica	6/15/1943	0846
Herbertson	Roberta	12/1/1957	2319
Herrera	Juana	5/17/1952	6968
Hinckle	Melissa	11/7/1955	5422

Hopkins	June	2/9/1953	7616
Hubbard	Ronda	2/27/1971	2085
Hug	Wendy	7/29/1975	1516
Hunt	Cyndi	5/9/1963	3581
Hunter	Ann Marie	11/4/1946	6089
Jacobs	Rebecca	11/20/1948	3336
Jasso	Debbie	10/29/1962	4858
Jewett	Kathy	8/11/1954	4571
Kauffman	Kathy	6/1/1955	5441
Kofman	Nancy	9/15/1950	5067
Kostelac	Carol	9/28/1935	5962
Kuratle	Linda	7/22/1950	7537
Latigue	Daphne	2/19/1971	8127
Lichter	Theresa	10/19/1967	6619
Lowderman	Denise	6/12/1963	9346
Lyons	Maureen	6/15/1955	1236
Maltba	Jacqueline	3/6/1949	9815
Mathews	Suzanna	6/29/1972	5123
Mayo	Suzanne	8/4/1948	7123
Middleton	Linda	1/14/1960	3204
Moden	Tanya	8/21/1951	
Mummert	Beverly	6/23/1954	8967
Nesbitt	Donna	5/20/1963	7651
Oliver	Sherry	7/17/1957	7676
Payne	Betty	6/5/1942	
Pepper	Kimberly	8/31/1970	9862
Peterson	Maxine	12/8/1957	1634
Price	Janet	1/16/1935	6908
Ray	Adrianne	7/19/1950	7940
Reckart	Tammy	10/16/1960	5933
Reeder	Deborah	3/21/1966	8112
Reyes	Grace	3/9/1962	2433
Ricketts	Lisa	8/30/1970	4055
Rider	Karen	3/13/1946	9500
Rieck	Dale Alison	3/29/1960	
Rivet	Sherry	12/24/1964	
Roach	Margaret (Estate)	10/8/1925	8700
Roberts-Miller	Diana (estate)	11/11/1954	9856
Roden	Alice	6/19/1944	0665
Rutherford	Jamie	10/10/1978	2788
Sabine	Kathryn	4/14/1971	6620
Salgado	Karen	6/18/1968	9740
Schadegg	Stella	6/7/1940	7252
Severn	Jeanette	7/12/1968	3259
Shanks	Jody	12/14/1958	1137
Simpson	Virginia	9/12/1951	0061
Smith	Mable	4/14/1942	6424
Smith	Marie	11/4/1934	
Stotts	Jane	9/27/1954	8839
Strickland	Barbara	9/13/1948	0346
Taylor	Sharon	5/23/1962	
Thomas	Stephanie	5/5/1978	3282
Thorne	Betty Jane	12/24/1942	
Tillman	Diane	6/17/1952	5534

Trevizo	Maria	6/7/1973	6607
Van Antwerp	Rachel	9/23/1961	2740
Varney	Shirley	3/20/1935	7504
Vaughn	Lillian	4/28/1931	4977
Ventura	Tracy	6/3/1977	
Wallington	Donna	11/27/1950	0969
Walter	Madaline	11/20/1944	2224
Wambsganss	Clara	3/22/1942	6015
Watts	Joan	7/16/1945	4073
Willingham	Valerie	4/8/1954	7900
Wilson	Wieda	9/14/1952	8739
Worthington	Oralene	2/9/1961	0169
Wright	Cynthia	10/26/1956	3372
Wyman	Robin	5/26/1957	8579
Yorke	Rita	7/22/1924	2246
Zahm	Jennifer	3/5/1974	1558
Zordel	Lynne	12/3/1961	7299
Askew	Ann	11/19/1947	2768
Blessis	Penny	3/4/1959	8456
Braxton	Prince-Ella	8/11/1966	1516
Campos	Susiea	7/11/1958	8700
Connelly	Denise	10/26/1959	4341
Cumbia	Robin	9/18/1959	4956
Dandy	Rebecca	9/11/1964	5469
Fred	Donna-Marie	6/29/1949	8250
Gaddis-Gillespie	Janie	7/8/1961	5291
Gonzales	Margarita	6/22/1948	9837
Grande	Emily (Estate of)	4/23/1940	3005
Hagewood	Michelle	9/4/1972	0516
Hardy	Jacquelyn	8/20/1930	4261
Herburger	Catherine	6/16/1969	2826
Hill	Lisa	8/8/1963	3799
Houle	Victory		
Jackson	Kimberly	2/3/1966	8716
Kaymakcian	Patricia	10/25/1962	8045
Larsen	Patricia	5/24/1932	7915
Larson	Connie	7/27/1949	9453
Long	Peggy	12/31/1964	8019
Martin	Georgia	1/13/1946	0666
McCormick	Julianne	6/15/1960	5899
McIntire	Joyce	12/1/1946	3320
Mease	Marsha		
Moore	Waltisa	12/10/1975	5734
Mullins	Glenda	1/5/1944	3686
Mustin	Kimberly	8/3/1965	
Naylor	Shaunna	12/19/1961	6047
O'Neill	Janet	10/24/1952	7437
Padgett	Kim	8/16/1964	
Schmidt	Lisa	8/20/1961	2818
Shields	Tina	12/24/1971	9115
Simmons	Emma	9/11/1950	7797
Smith	Robin	11/13/1957	9202
Sniderohler	Carole	1/14/1959	8412
Stevich	Christine		
Stowe	Arletta	10/12/1942	

Suter	Edith	10/22/1956	1096
Walter	Barbara	11/12/1959	
Williams	Barbara	2/17/1944	0216
Wolaver	Peggy	3/14/1962	4325